

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Natnari Linwong	Team: Team # 2	CCRB Case #: 201205599	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 04/22/2012 12:20 AM	Location of Incident: 1144 Forest Avenue	Precinct: 120	18 Mo. SOL 10/22/2013	EO SOL 10/22/2013	
Date/Time CV Reported Wed, 05/02/2012 1:45 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 05/02/2012 1:45 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Bruce Ceparano	00485	933682	120 PCT
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Besim Pelinku	29412	946100	120 PCT
2. POM Robert Woodhouse	25142	946434	120 PCT
3. POM Eduardo Ochoa	02850	917142	120 PCT
4. POM John Fahim	31415	941726	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Bruce Ceparano	Discourtesy: Sergeant Bruce Ceparano spoke rudely to § 87(2)(b) and individuals.	
B. An officer	Discourtesy: An officer spoke rudely to § 87(2)(b)	
C. An officer	Force: An officer used physical force against § 87(2)(b)	
D. An officer	Discourtesy: An officer spoke rudely to § 87(2)(b)	
E.SGT Bruce Ceparano	Abuse: Sergeant Bruce Ceparano refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b)	
F. An officer	Abuse: An officer refused to provide her name and shield number to § 87(2)(b)	
G.SGT Bruce Ceparano	Force: Sergeant Bruce Ceparano used physical force against § 87(2)(b)	

Case Summary

On April 22, 2012, § 87(2)(b) filed a CCRB complaint online (encl. 2A-I).

On April 22, 2012, at approximately 12:20 a.m., § 87(2)(b) his brother § 87(2)(b) and several friends were at On the Rock Bar at 1144 Forest Avenue on Staten Island. Officers entered the premises, issued the bartender a summons for serving alcohol to a minor, and shut the bar down. § 87(2)(b) was issued a summons for disorderly conduct. No arrests were made. The following allegations resulted from the incident:

- **Allegation A – Discourtesy: Sergeant Bruce Ceparano spoke rudely to § 87(2)(b) and individuals.**
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
- **Allegation B – Discourtesy: An officer spoke rudely to § 87(2)(b)**
- **Allegation C – Force: An officer used physical force against § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
- **Allegation D – Discourtesy: An officer spoke rudely to § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
- **Allegation E – Abuse of Authority: Sergeant Bruce Ceparano refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(b)
- **Allegation F – Abuse of Authority: An officer refused to provide her name and shield number to § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(b)
- **Allegation G – Force: Sergeant Bruce Ceparano used physical force against § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(b)

Mediation was offered to § 87(2)(b) on May 25, 2012, but he rejected it.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b).

CCRB Testimony

On May 25, 2012, § 87(2)(b) was interviewed at the CCRB (encl. 3A-I).

On April 22, 2012, at approximately 12:20 a.m., § 87(2)(b) was at On the Rock Bar at 1144 Forest Avenue on Staten Island. He was there with his brother, § 87(2)(b) and several friends: § 87(2)(b) and § 87(2)(b).

They had been at the bar for approximately two hours. § 87(2)(b) had had one mixed drink and was not intoxicated. He did not know how much the others had drunk, but they were not visibly intoxicated. There were approximately thirty people in the bar.

Between eight and ten officers entered the bar. All of the officers were white and wore dark blue uniforms, and all were male except for PO1. PO1 was a white female who was approximately 30 years old. She had dark hair and a short, stocky build. The officers did random checks of some people's IDs and then told everyone to leave the bar. § 87(2)(b) assumed that the officers believed there were underage drinkers in the bar. He spoke with his friends about whether the officers had the authority to eject everyone from the bar, and Sergeant Bruce Ceparano, who § 87(2)(b) identified by looking at his nameplate, told the crowd, "Get the fuck out."

As § 87(2)(b) exited the bar, § 87(2)(b) told him that an officer had shoved § 87(2)(b) and told § 87(2)(b) to go kill himself. § 87(2)(b) did not witness this himself. Upset, § 87(2)(b) said loudly to his friends, "Record it," and pulled out his phone to capture the officers' actions on video. Officer Besim Pelinku, who § 87(2)(b) identified from the summons he later received, asked him for his ID and grabbed his wrist. § 87(2)(b) asked why he needed to provide identification, Sergeant Ceparano then instructed Officer Pelinku to arrest § 87(2)(b). Officer Pelinku placed § 87(2)(b) in handcuffs and took him to the back of the bar, between 30 and 40 feet from the entrance.

§ 87(2)(b) asked Officer Pelinku why he was in handcuffs, and Officer Pelinku said he was guilty of disorderly conduct, failure to comply with police orders, and obstructing a fire zone. § 87(2)(b) said these were fabrications. Officer Pelinku then had § 87(2)(b) sit on a stool by the bar and wrote him a summons. § 87(2)(b) asked what it was for, and Officer Pelinku did not answer. After a few minutes, Sergeant Ceparano entered the bar. Officer Pelinku said he should arrest § 87(2)(b) and take him to the precinct, and § 87(2)(b) said he had no grounds for that. Sergeant Ceparano told him, "Shut the fuck up." Both officers then called § 87(2)(b) "crazy", "stupid," and "retarded." He did not recall specifically which officer used which words.

After five to ten minutes, the officers let § 87(2)(b) go. When he exited the bar, the crowd outside cheered for him. § 87(2)(b) and § 87(2)(b) repeatedly asked Sergeant Ceparano and Officer Pelinku for their badge numbers, and they ignored the requests. Some of the requests were made five to ten feet away from the officers, and some were made within a foot of them. The officers did not acknowledge the requests. From about fifteen feet away, § 87(2)(b) also asked PO1 for her shield number, but she also ignored his request.

§ 87(2)(b)'s car was parked across the street from the bar, on the other side of Forest Avenue. However, the officers were instructing the crowd to move in the other direction. § 87(2)(b) attempted to walk to his car, but the officers instructed him to walk around the block to the car rather than crossing the street. Sergeant Ceparano shoved § 87(2)(b) forcefully with both hands on his chest, causing him to stumble backwards. He did not fall. § 87(2)(b) also saw § 87(2)(b) stumble forward as he was walking away from the bar in the direction the officers indicated. § 87(2)(b) said he had been shoved, but § 87(2)(b) did not see this himself. At no point was § 87(2)(b) uncooperative with the officers.

Attempts to Contact Civilians

§ 87(2)(b)
In a phone conversation on May 29, 2012, § 87(2)(b) provided a phone statement and scheduled an interview for June 19, 2012. He missed this appointment without calling to cancel or reschedule it. The investigator contacted him by phone after the missed appointment on June 19, 2012, and rescheduled the interview for June 29, 2012. However, he missed this appointment as well without calling ahead. A search of the Department of Corrections website confirmed that he was not incarcerated as of August 16, 2012. His phone statement was consistent with that of § 87(2)(b) with the following additions and exceptions (encl. 4A):

As § 87(2)(b) walked out of the bar, PO1 said, "Kill yourself." § 87(2)(b) said, "Excuse me?", and PO1 asked, "Are you a tough guy?" The officer then put his right arm on § 87(2)(b)'s left shoulder and shoved him out of the bar as § 87(2)(b) walked out. There was no interaction between § 87(2)(b) and PO1 before PO1 said, "Kill yourself." PO1 was an Italian or Hispanic male in his late 20s. He had dark hair and was approximately 5'9" tall and 190-200 lbs.

After the officers released § 87(2)(b) with a summons, § 87(2)(b) and his friends then stood talking outside the bar as the bar employees told everyone to leave. The officers started shining bright lights at everyone, and some people, including § 87(2)(b) took out their phones to record the officers. As § 87(2)(b) and their other friends were walking away, an officer who was identified through investigation as Sergeant Ceparano shoved § 87(2)(b) in the shoulder or chest area, causing him to stumble but not fall.

§ 87(2)(b) and possibly § 87(2)(b) asked multiple officers for the name and shield number of PO1. However, the officers ignored their requests. They did not ask PO1 himself because he was inside the bar. § 87(2)(b) was not sure if anyone asked for any other officer's information.

§ 87(2)(b)
In a phone conversation on June 18, 2012, § 87(2)(b) provided a phone statement and scheduled an interview for June 28, 2012. He missed this appointment without calling to cancel or reschedule it. Between June 28, 2012, and July 9, 2012, the investigator sent § 87(2)(b) one letter and called him three times in order to reschedule the appointment leaving voicemail messages upon each attempted call. The letter was not returned, and § 87(2)(b) did not contact the CCRB. A search of the Department of Corrections website confirmed that he was not incarcerated as of August 16, 2012. His phone statement was consistent with that of the other civilians with the following additions and exceptions (encl. 5A):

An officer pushed § 87(2)(b) in the back as he was walking out of the bar and told him to go kill himself. This officer was a bald white male in his late 30s, 5'8" or 5'9" with a medium build. All of the officers were in dark blue uniform.

After § 87(2)(b)'s release, the officers told everyone to leave. § 87(2)(b) asked all of the officers present individually for their names and shield numbers, but they refused to provide this information, ignoring him. He was within touching distance of them when he asked for the information, and was certain that they heard his requests. He did not believe anyone else asked for this information. Both the civilians and the officers used profanity, but § 87(2)(b) did not recall any specific remarks that were made. Other than § 87(2)(b) being shoved and § 87(2)(b) being pulled inside the bar, § 87(2)(b) did not see any further physical contact between individuals and officers.

§ 87(2)(b)

In a phone conversation on May 29, 2012, § 87(2)(b) provided a phone statement and stated that he would call the investigator back in order to schedule an interview. However, he did not contact the CCRB. Between June 4, 2012, and June 18, 2012, the investigator called § 87(2)(b) four times and sent him one letter and one email. There was no answer or option to leave a voicemail upon the attempted calls, and the email was bounced back as undeliverable. The letter was not returned. § 87(2)(b) has not contacted the CCRB. A search of the Department of Corrections website confirmed that he was not incarcerated as of August 16, 2012. His phone statement was consistent with that of the other civilians with the following additions and exceptions (encl. 6A):

The officers put § 87(2)(b) in handcuffs and took him back inside the bar. § 87(2)(b) told the officers, "You can't do that," and PO1 shoved him even though § 87(2)(b) was already walking out. PO1 was a white male in his mid-to-late 20s with medium-length dark hair. He was between 6'0" and 6'2" with a slim, muscular build. All of the officers present were white males in uniform, and at least two had tattoos on their elbows.

The officers released § 87(2)(b) with a summons and told everyone outside the bar to leave because they were loitering; they complied. § 87(2)(b) did not ask any officers for their names and shield numbers and was not sure if anyone else did. He did not witness any other physical contact between officers and civilians.

§ 87(2)(b)

In a phone conversation on August 13, 2012, § 87(2)(b) gave the following account of the incident, which includes no allegations of misconduct (encl. 7A):

§ 87(2)(b) was sitting at the bar and was not drinking, but there was someone else's drink by her. Four or five male officers entered the bar. An officer who was identified through investigation as Sergeant Ceparano approached § 87(2)(b) and issued her a summons because he assumed that the drink was hers. He ignored her when she asked why she was being issued a summons, and his manner was generally arrogant.

A male who § 87(2)(b) does not know, identified through investigation as § 87(2)(b) attempted to walk out of the bar, but officers pulled him back in the bar and handcuffed him. § 87(2)(b) did not know why he was placed in handcuffs. § 87(2)(b) was issued a summons, but § 87(2)(b) did not know why. § 87(2)(b) did not see officers have physical contact with anyone else. She did not hear any officers use

profanity or tell any individual to kill himself, and did not hear any individual ask any officers for their names or badge numbers. However, she stated that she was focused on Sergeant Ceparano and was not closely observing the other officers.

§ 87(2)(b)

§ 87(2)(b) was contacted by phone on May 3, 2012. He was unable to provide a phone statement at that time but scheduled an appointment for May 9, 2012. However, he missed this appointment without calling to cancel or reschedule it. Between May 9, 2012, and May 31, 2012, the investigator sent § 87(2)(b) two letters and called him five times to reschedule the appointment, leaving voicemail messages upon the first three calls. On the fourth and fifth calls, there was no answer or option to leave a message. § 87(2)(b) did not contact the CCRB, and the letters were not returned. According to the Department of Corrections website, he was not incarcerated as of August 16, 2012 (encl. 19V).

§ 87(2)(b)

Between May 29, 2012, and June 12, 2012, the investigator called § 87(2)(b) five times at the number § 87(2)(b) provided. However, upon each attempt, the investigator received an automated message stating that the phone could not receive calls. There was no option to leave a voicemail message. § 87(2)(b) did not know § 87(2)(b)'s address. A search of LexisNexis yielded no results for any individual named § 87(2)(b) (including alternate spellings) in his 20s on Staten Island. A search of the Department of Corrections website confirmed that § 87(2)(b) was not incarcerated as of August 16, 2012 (encl. 19S).

§ 87(2)(b)

Between May 29, 2012 and June 12, 2012, the investigator called § 87(2)(b) five times at the number provided by § 87(2)(b) leaving voicemail messages upon each attempt. § 87(2)(b) did not know § 87(2)(b)'s address.

A LexisNexis search yielded two results for individuals named § 87(2)(b) in their 20s on Staten Island: one for an § 87(2)(b) M. § 87(2)(b) and one for an § 87(2)(b) B. § 87(2)(b). The listing for § 87(2)(b) M. § 87(2)(b) included a phone number, which the investigator called on May 30, 2012. A voicemail message was left, and § 87(2)(b) M. § 87(2)(b) called back on the same date and said he had no knowledge of the incident. The listing for § 87(2)(b) B. § 87(2)(b) did not include a phone number, but two letters were sent to the address listed on May 30, 2012, and June 4, 2012. The letters were not returned, and § 87(2)(b) did not contact the CCRB. The Department of Corrections website confirmed that he was not incarcerated as of August 16, 2012 (encl. 19U).

ON THE ROCK § 87(2)(b)

Between May 30, 2012, and June 12, 2012, the investigator sent On the Rock Bar three letters addressed to the manager and called the bar five times. There was no answer or option to leave a message on any of the attempted calls, and the letters were not returned.

The bartender at the time of the incident was subsequently identified through the officers' memo books as § 87(2)(b). A LexisNexis search returned a home address and phone number for § 87(2)(b). Between July 26, 2012, and July 30, 2012, the investigator sent § 87(2)(b) two letters and called him twice. However, the phone number was out of service on both attempts, and the letters were returned as undeliverable. The Department of Corrections website confirmed that § 87(2)(b) was not incarcerated as of August 16, 2012 (encl. 19P).

NYPD Statements:

Subject Officer: SERGEANT BRUCE CEPARANO

- § 87(2)(b)
- *Sergeant Ceparano was assigned to Conditions with Officers John Fahim and Eduardo Ochoa from 5:15 p.m. on April 21, 2012, until 2:12 a.m. on the following day. He was dressed in uniform and assigned to an unmarked red Ford Taurus.*

Memo Book

At 12:06 a.m., three summonses inside On the Rock Bar, 1144 Forest Avenue. Violations: 1) underage drinking § 87(2)(b) § 87(2)(b), 2) sale to person under 21, bartender § 87(2)(b) § 87(2)(b), 3) disorderly conduct § 87(2)(b) § 87(2)(b).

CCRB Testimony

Sergeant Ceparano was interviewed at the CCRB on July 26, 2012 (encl. 8A-E).

On April 22, 2012, Sergeant Ceparano and his conditions team conducted a business inspection of On the Rock Bar. There had previously been complaints at the bar regarding underage drinking and crack sales, and a couple of weeks prior to this incident, two people had been shot at the location. In addition to Officers Fahim and Ochoa, Officers Besim Pelinku and Robert Woodhouse responded in a second vehicle. No other officers were present.

The officers entered the bar and found a female under 21, § 87(2)(b) drinking. Both she and the bartender, § 87(2)(b) were issued summonses. There were between ten and twenty customers in the bar, and the officers asked them to disperse. The bartender and bouncers assisted the officers by asking people to leave. Most of the crowd was compliant. However, as Sergeant Ceparano stood behind the bar speaking to § 87(2)(b) refused to leave and repeatedly asked, “Sergeant Ceparano, why do I have to leave?” At one point, § 87(2)(b) left the bar but then re-entered, yelling and inciting the other people in the bar by telling them that they did not have to leave.

About ten minutes after the officers had initially told the crowd to leave, Officer Pelinku placed § 87(2)(b) in handcuffs. He had been told at least ten times to leave. Officer Pelinku brought him to the bar area and had him sit on a stool while Officer Pelinku issued him a summons for disorderly conduct. About ten or fifteen minutes later, he was released from the bar. There were approximately eight to ten people still outside the bar, screaming and yelling. The bouncers and the officers instructed the rest of the crowd to leave, and they did so after five to ten minutes.

Sergeant Ceparano did not use the word “fuck” or any other profanity towards any individual, nor did he hear any other officer do so. Neither he nor any other officer used the word “retarded” towards anyone or told anyone to kill himself. Sergeant Ceparano did not have any physical contact with any individual and did not see any other officer do so, other than when Officer Pelinku handcuffed § 87(2)(b). No individual asked Sergeant Ceparano for his name or shield number, and he did not hear any other officer being asked for this information.

Witness Officer: OFFICER BESIM PELINKU

- § 87(2)(b)
- *Officer Pelinku was assigned to Conditions with Officer Robert Woodhouse from 5:30 p.m. on April 21, 2012, until 2:05 a.m. on the following day. He was assigned to an unmarked black vehicle and was dressed in uniform.*

Memo Book

At 12:05 a.m., business inspection at 1144 Forest Avenue (On the Rock Bar). At 12:06 a.m., summons issued to bartender for sale of alcohol to person under 21: § 87(2)(b). Summons issued to § 87(2)(b) for underage drinking. At 12:10 a.m., summons issued to § 87(2)(b) for disorderly conduct: failure to comply with a lawful order. (Defendant was asked repeatedly to disperse/leave upon lawful order and did refuse). Defendant was placed in handcuffs, then released with a criminal court summons.

CCRB Testimony

Officer Pelinku was interviewed at the CCRB on July 17, 2012 (encl.9A-E). His statement was consistent with that of Sergeant Ceparano with the following exceptions and additions:

Most of the people in the bar were compliant with the instructions to leave, but approximately three individuals, including § 87(2)(b) refused to leave. § 87(2)(b) yelled that they were not leaving and that the officers had no right to shut the bar down. Officer Pelinku repeatedly told him to leave, but he refused to do so. At one point, § 87(2)(b) exited the bar, then came back inside, blocking the entrance. Officer Pelinku then handcuffed him and brought him to the back of the bar and had him sit on a stool, at which point he calmed down.

Officer Pelinku issued § 87(2)(b) a summons for disorderly conduct. He believed Sergeant Ceparano was also in the bar with them, but was not certain what other officers were inside. They then released § 87(2)(b) and when he exited a bar, a crowd of five to seven people outside cheered. This crowd was instructed to leave the scene and did so without incident.

Officer Pelinku did not recall if he or any other officer used the word “fuck” towards anyone, including § 87(2)(b) or called them “crazy,” “stupid,” or “retarded.” He did not recall if he or any other officer told anyone to kill themselves. He did not recall if he pushed any individual or had any physical contact with anyone, or if any other officer did. He did not recall if any individual asked him or any other officer for their names or shield numbers, though he did remember § 87(2)(b) loudly saying his name and possibly his shield number for the crowd to hear.

Witness Officer: OFFICER JOHN FAHIM

- § 87(2)(b)
- *Officer Fahim was assigned to Conditions with Sergeant Ceparano and Officer Ochoa from 5:30 p.m. on April 21, 2012, until 2:05 a.m. on the following day.*

Memo Book

Officer Fahim had no memo book entries regarding the incident.

CCRB Testimony

Officer Fahim was interviewed at the CCRB on July 26, 2012 (encl. 10A-D). His testimony was consistent with that of the other officers with the following exceptions and additions:

Officer Fahim was occupied with conducting crowd control at the front door, which was about ten or fifteen feet from where Officer Pelinku was with § 87(2)(b). There were approximately ten or fifteen people outside the bar chanting and jumping on cars. Officer Fahim and other officers told them to calm down because § 87(2)(b) would be released. After § 87(2)(b) was released, he and the others left the area. Officer Fahim did not use the word “fuck” towards any individual, call anyone “retarded,” or tell anyone to kill himself, and did not hear any other officer make these remarks. He did not have any physical interaction with any individual and did not see any other officer do so. He did not hear any individual ask him or any other officer for their names or shield numbers.

Witness Officer: OFFICER ROBERT WOODHOUSE

- § 87(2)(b).
- *Officer Woodhouse was assigned to Conditions with Officer Pelinku from 7:00 p.m. on April 21, 2012 until 3:35 a.m. on the following day. He was dressed in uniform and assigned to a marked vehicle.*

Memo Book

At 12:05 a.m., business inspection inside of 1144 Forest Avenue. At 12:10 a.m., one summons issued by Officer Pelinku to § 87(2)(b) for disorderly conduct.

CCRB Testimony

Officer Woodhouse was interviewed at the CCRB on July 31, 2012 (encl. 11A-F). His statement was consistent with that of the other officers with the following additions and exceptions:

While most of the crowd was compliant with the officers’ orders, § 87(2)(b) refused to leave the bar, screaming and flailing his arms. Officer Pelinku asked him numerous times to leave, but he refused. His friends, who had already exited the bar, were also being loud and unruly outside the door. Officer Pelinku then handcuffed § 87(2)(b) and issued him a summons for disorderly conduct. When he was released, there was still a crowd of fifteen or twenty people outside, including his friends. The crowd was screaming, walking in the street, and blocking pedestrian traffic. The officers instructed them to disperse, and they eventually did so after ten or fifteen minutes.

Officer Woodhouse did not have any interaction with § 87(2)(b). Officer Woodhouse did not touch any individual, and other than when Officer Pelinku handcuffed § 87(2)(b). Officer Woodhouse did not see any officer make physical contact with any individual, including pushing them. He did not use profanity towards any individual, call anyone “retarded,” or tell anyone to kill themselves, and did not hear any other officer do so. He did not hear any individual ask himself or any other officer for their name or badge number.

Witness Officer: OFFICER EDUARDO OCHOA

- § 87(2)(b)
- *Officer Ochoa was assigned to Conditions with Officer Fahim and Sergeant Ceparano from 5:30 p.m. on April 21, 2012 until 2:05 a.m. on the following day. He was dressed in uniform and assigned to a marked vehicle.*

Memo Book

At 12:06 a.m., business inspection at 1144 Forest Avenue: The Rocks. Numerous summonses by Officer Pelinku.

CCRB Testimony

Officer Ochoa was interviewed at the CCRB on August 15, 2012 (encl. 12A-D). His statement was consistent with the other officers' with the following exceptions and additions:

Officer Ochoa was assigned to secure the front door and ensure that after people left the bar, they did not re-enter. A couple of people refused to leave, arguing with Officer Pelinku. One of them, identified through investigation as § 87(2)(b) was placed in handcuffs by Officer Pelinku. However, because Officer Ochoa's attention was focused on securing the door, he did not see exactly what led to § 87(2)(b) being handcuffed. § 87(2)(b) was then issued a summons, but Officer Ochoa did not know what the summons was for. The other individuals left the bar, and once they were outside, they got rowdy, saying that the officers should not have shut the bar down. A couple of people tried to re-enter the bar, but Officer Ochoa held the door closed and told them that they could not come in.

Officer Ochoa did not have any physical contact with any individual, including pushing them. He did not see any other officer push any individual. He did not use the words "fuck," "retarded," or any profanity towards any individual and did not hear any other officer do so. At one point, Officer Ochoa went to his car to ensure that it was not being vandalized, and when he did so, multiple people outside the door asked for his name and shield number. Officer Ochoa pointed to his shield and also verbally told them his name and shield number. He did not know how many people asked for the information and could not describe them. He did not know if any other officers were asked for their information.

Officers Not Interviewed

As noted below, the 120th Precinct roll call lists two additional officers as having been assigned to Conditions: Officers Frank Muirhead and Jin Tsoi in vehicle #258. Officer Muirhead is a white male, and Officer Tsoi is an Asian male. However, none of the officers interviewed identified these officers as having responded to the scene, and none of the civilians described an Asian officer. Because the unidentified subject of Allegation F is female, neither Officer Muirhead nor Officer Tsoi could be the subject officer for this allegation.

Because there is no indication that the officers were present on scene and their testimony would not have altered the recommended disposition of the case, they were not interviewed at the CCRB.

NYPD Documents

SPRINT (encl. 20C)

There were no SPRINT reports for the time and location of the incident.

Summons (encl. 13A)

Summons § 87(2)(b) was issued to § 87(2)(b) by Officer Pelinku for disorderly conduct, specifically congregating with others in a public place and refusing to disperse.

Roll Call (encl. 14A-L)

The 120th Precinct roll call for the tour of occurrence lists the following officers as having been assigned to Conditions: Sergeant Ceparano with Officers Ochoa and Fahim in vehicle #398, Officers Woodhouse and Pelinku in vehicle #1082, and Officers Tsoi and Muirhead in vehicle #258.

Status of Civil Proceedings (encl. 16A)

None of the civilians in this case has filed a Notice of Claim with the City of New York as of August 17, 2012.

Civilian Criminal Histories (encl. 17A-G)

Office of Court Administration records reveal no criminal convictions for any of the civilians in this case as of August 17, 2012.

Civilian CCRB Histories (encl. 1C-H)

None of the civilians in this case have filed prior CCRB complaints.

Subject Officer CCRB History (encl. 1A-B)

Sergeant Ceparano has been a member of the service for eight years and there are no substantiated CCRB allegations against him.

Conclusion**Identification of Subject Officer**

- § 87(2)(b) identified Sergeant Ceparano as having cursed at him and other individuals; refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b) and pushed § 87(2)(b). Allegations A, E, and G are therefore pleaded against Sergeant Ceparano.
- The subject officers of the remaining allegations could not be identified. These allegations are pleaded against “An officer.”

Allegations Not Pleased

§ 87(2)(b) stated that he saw § 87(2)(b) stumble, and § 87(2)(b) told him that he had been shoved by an officer. However, § 87(2)(b) did not see this himself, and § 87(2)(b) could not be contacted. Because there is no verified statement regarding this allegation, no allegation of physical force towards § 87(2)(b) is pleaded.

§ 87(2)(b) stated that he, § 87(2)(b) and possibly § 87(2)(b) asked multiple officers for the name and shield number of the officer who pushed him and told him to kill himself (see Allegations B and C), and they refused. However, officers are only required to provide their own names and shield numbers upon request. Furthermore, there is no verified statement regarding this interaction. Therefore, this is not pleaded as a refusal to provide shield number allegation.

Investigative Findings and Recommendations

Allegation A – Discourtesy: Sergeant Ceparano spoke rudely to § 87(2)(b) and individuals.

§ 87(2)(b) alleged that Sergeant Ceparano told the crowd in the bar to “Get the fuck out” and subsequently told § 87(2)(b) “Shut the fuck up.” Sergeant Ceparano denied using profanity, and the other officers interviewed denied hearing any other officers use profanity. None of the four civilians who provided phone statements corroborated § 87(2)(b)’s allegation. While § 87(2)(b) stated that officers used profanity, he did not recall any specific remarks or specify which officers cursed.

§ 87(2)(g)

Allegation B – Discourtesy: An officer spoke rudely to § 87(2)(b)

Allegation C – Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) stated that § 87(2)(b) told him that an officer pushed § 87(2)(b) and told him to kill himself, but § 87(2)(b) did not see this himself. § 87(2)(b) and § 87(2)(b) repeated both of these allegations in their phone statements. § 87(2)(b) also provided a phone statement alleging that an officer pushed § 87(2)(b). However, § 87(2)(b) and § 87(2)(b) failed to provide in-person statements at the CCRB.

§ 87(2)(b), § 87(2)(g)

Allegation D – Discourtesy: An officer spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that while he was handcuffed inside the bar, Officer Pelinku and Sergeant Ceparano called him “crazy,” “stupid,” and “retarded.” However, he did not recall which officer used which words. Both officers denied making such remarks, and the other civilians’ phone statements did not include this allegation.

§ 87(2)(b), § 87(2)(g)

Allegation E – Abuse of Authority: Sergeant Bruce Ceparano refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that § 87(2)(b) and § 87(2)(b) asked Sergeant Ceparano for his name and shield number, and he ignored them. Sergeant Ceparano denied hearing any individual ask for his or any other officer’s name or shield number. The other officers interviewed also denied hearing any such request, with the exception of Officer Ochoa, who stated that he provided his own shield number when asked, but did not hear anyone ask other officers for their information.

§ 87(2)(b) and § 87(2)(b) could not be contacted. § 87(2)(b) failed to appear for a CCRB interview, but provided a phone statement alleging that all of the officers at the scene refused to provide their names and shield numbers upon his request. He did not believe any other individuals asked officers for their names or shield numbers.

§ 87(2)(g)

Allegation F – Abuse of Authority: An officer refused to provide her name and shield number to § 87(2)(b)

§ 87(2)(b) stated that § 87(2)(b) asked a female officer for her name and shield number, and she also ignored him. As noted above, § 87(2)(b) could not be contacted.

§ 87(2)(b) described the female officer who allegedly refused to provide her information to § 87(2)(b) as white and approximately 30 years old with dark hair and a short, stocky build. However, according to the officers interviewed, the only officers at the scene were Sergeant Ceparano and Officers Pelinku, Fahim, Ochoa, Woodhouse, all of whom are male. All of the officers interviewed denied hearing anyone request the names or shield numbers of any other officers. None of the civilians who provided phone statements mentioned seeing a female officer.

There is no SPRINT report for this incident to verify if there were additional responding units other than those identified by the officers interviewed. The roll call lists no female officers assigned to Conditions.

§ 87(2)(b), § 87(2)(g)

Allegation G – Force: Sergeant Bruce Ceparano used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Sergeant Ceparano shoved § 87(2)(b) in the chest outside the bar. Sergeant Ceparano denied having physical contact with any individual, and the other officers interviewed denied witnessing any officer push anyone. § 87(2)(b) could not be contacted. None of the civilians who provided phone statements repeated this allegation. § 87(2)(b) and § 87(2)(b) specifically stated that they did not see any physical contact other than the push of § 87(2)(b) (see Allegation C).

§ 87(2)(b), § 87(2)(g)

Team: _____

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Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date